Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

In the Supreme Court of the United States

OCTOBER TERM, 1993

YURY MILOSLAVSKY,
TATYANA MILOSLAVSKY,

Petitioners,

v.

UNITED STATES GOVERNMENT,
STATE OF NEW YORK,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR WRIT OF CERTIORARI AND APPENDIX

Yury Miloslavsky,
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16 pp

QUESTIONS PRESENTED FOR REVIEW

1. Has the ACD been legal without the allotment (by NYS) of a legally demanded (by the defendant) interpreter?

2. Have US and NYS ever had any immunity in any federal court in our case under the §§1985, 552, 241?

3. Have US-NYS (federal judges, their US-NYS attorneys-prosecutors, their secret police FBI, their postal heads) ever had legal rights to fabricate facts directly in court, to tamper, to be immune in any federal court?

4. Have US, NYS ever had any legal rights to not furnish to a defendant (plaintiff) even the courts' files, the general information concerning US-NYS laws, the demanded (by law) physical evidence(s), records against such person(s)?

5. Has a federal judge ever had legal rights to dismiss complaint against US-NYS if both defendants do not answer such a complaint (in our case) under the §§1443, 1985, 552, 241?

6. Same question as 5. but when the defendants do not give any documents, records, even any courts' files?

7. Same question as 5. but when the defendants falsify, alter (by USA) even the docket entries, even the court minutes (by NYS) and do not answer (by USA, NYS) the accepted motions in US, NYS courts?

8. Have FBI document of Feb. 22-1993, other documents-records been CONSPIRATORIAL, falsified, felonious?

9. Has US government given the legally demanded medical notice concerning

absence of paranoia, fascist diseases and other mental, "educational" diseases among the federal "judges", US attorneys?

10. Have so-called US answer of our complaint only after its dismissal in the district court, all other US courts' "judgments", the so-called NYS motion for "immunity", the US letters of June 7-1990/June 2-1992, the only NYS-Cuomo's letter of 5/28 1992, US postmaster general offices' so-called answers been CONSPIRATORIAL, UNPROFESSIONAL, FELONIOUS?
11. Have the patently obvious felonious defendants NYS-US (their US attorneys-their courts-their organs, officials) ever had legal rights to spread anti-natural selfacquittals-selfaffirmations-selfverdicts without the legally demanded jury trials verdicts (perfectly explained in App. C)?
12. Who had to and must enforce the laws, the international treaties in our case in such a country?

LIST OF INTERESTED PARTIES

1. United States Government [US attorneys-courts-FBI-US postmaster general-other US officials] ("US", "USA")

2. New York State ("NYS")

3. Yury Miloslavsky

4. Tatyana Miloslavsky

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PETITION FOR WRIT OF CERTIORARI

Petitioners Yury and Tatyana Miloslavsky ask this court to issue a writ of certiorari to the United States Court of Appeals for the Second Circuit and reverse their "judgments" concerning both of our petitions since your non-acceptance of our correct petition of May 19-1993 has led to the next hundreds of committed crimes by high US officials-organs.

OPINIONS BELOW

The court of appeals' summary order is not published. It is attached as Appendix A. The districts court's "opinion" is not published and is attached as Appendix B.

JURISDICTION

This court has jurisdiction to issue a writ of certiorari to the United States Court of Appeals for the Second Circuit to review its decision. This case involves many federal questions which have enormous public significance.

The summary order of the Second Circuit was entered on January 24-1994.

STATUTES INVOLVED

Compulsory fulfillment of feloniously concealed preliminary 5 U.S.C. §552/ 42 U.S.C. §1985, 28 U.S.C. §§1343,1443,1331/ 18 U.S.C. §241/, the international treaties, constitutions on human rights (see the Conclusion)/ CRL §40-e,c./ all seven important basic cases in Table of Authorities.

STATEMENT OF THE CASE

The so-called appellate court "judgment" (App. A) is the next patently obvious CONSPIRATORIAL and typical paranoiac felonious parrots'-grovelers' rubbish which repeats exactly the US'-NYS' UNPROFESSIONAL and felonious primitive charlatanic rubbish of Nov. 19,15-1993 aimed at the proven totally venal-felonious US-NY "justice" systems, organs.

It is not required at all to "answer" such rubbish again. We have already answered it

correctly and totally in our Reply Brief. See App. C and D!...

We can add to our Past Petition of May 19-1993 (See!) that the Constitutions, the CRL §40-e,c, the UN treaties, etc. not only absolutely prohibit the US-NYS abuses-coercions-imprisonment-search-typical fascist deprivations of human rights-clever monitorings of telephone,apartment,mail,etc.-any trespass arrest (for "trespassing" in obviously public place never rented, etc.,etc.) but even ABSOLUTELY PROHIBIT even any simple non-admission (of not only three persons, PRESS in such conditions, even during many years).

Moreover; 1) Our next logical correct suit of Feb.26-1993 against US-NYS was brought under compulsory preliminary 5 USC §552, 42 USC §1985, 28 USC §1443, 18 USC §241, etc. 2) FBI grovelers' ringleaders also falsified the courts' processes and committed the many other crimes (See falsified documents by FBI

of Feb. 22-1993, etc.,etc.) 3) Even the docket entries (from the district federal "court" in the felonious non-sworn statement which contains the altered item #2 added after the fact! and does not contain the compulsory items: judge's decisions on motions, any US-NYS answer of our correct lawsuit, etc.), etc. have been falsified, altered by the US-its organs-attorneys-US postmaster general, not only the felonious, CONSPIRATORIAL single so-called "immune" "judge" Sweet. 4) So-called US president-US attorney general-district attorneys-FBI ringleaders-US postmaster general-Cuomo (see Ex. O in the 91 civ. 6042)-US,NYS "courts", etc. have directly participated in the hundreds of huge State,International, etc. crimes against our whole family, the International Scientific Committee IISC, etc. (see the App. C, D etc.)

The scientific committee IISC has established that the general defendant - US

government (not felonious so-called "immune" "judge" Sweet) has created and "hidden behind the typical fascist "justice" systems-organs-parrots".

The plaintiffs have had the unique world experience. They also brought many lawsuits against other criminals: red Soviet governmental officials-organs and they publicly unmasked such red criminals in the American PRESS (f.e. in American "MAIL TO THE USSR"-No.9/July 1986, etc.) and the national public hearing in New York organized by congressman Gilman, etc. And now the plaintiffs, IISC established, came to the scientific conclusion that the local "justice" systems, in many aspects, are even more sophisticatedly fascist, idiotic, anti-democratic, uncivilized than past soviet systems and that the main cause of the amazing criminality in USA is the amazing venality-corruption-criminality-IDIOTISM of the all "justice" systems-ringleaders-courts-

attorneys. And this is the main destructive force in America for the people.

REASONS FOR ALLOWING THE WRIT

One can say that according to the so-called US laws that the supreme court has so-called rights in our case for not allowing the writ. Also it is perfectly well known that you have very successfully enforced the "clever" laws concerning you personally, your court and the great criminals, drug dealers, spies, etc. However, it is patently obvious, known that in real civilized-democratic countries the plaintiffs have always absolute right to transfer such cases-the obvious courts' crimes to supreme courts, UN, Congress, etc (when your federal courts-US attorney general personally-US president-FBI ringleaders-district attorneys-US postmaster general-Cuomo-NYS, etc. *HAVE CATEGORICALLY REFUSED TO CONDUCT OFFICIAL DUTIES IN LEGAL NON-CRIMINAL FASHION TO ENFORCE THE WRITTEN ACTIVE LAWS, TREATIES*) because the real civilized-democratic supreme courts have never had

legal rights to compound the huge crimes by the US officials-international criminals.

Of-course, it is not required at all to explain, write that such Petitions have had main national (and international) significance-priority for Americans, etc.

CONCLUSION

It was and is patently obvious that the plaintiffs and their son were, during many years, and are in the condition of the typical fascist barbarian deprivation of the fundamental human rights (freedom of assembly-speech-PRESS; freedom from illegal arrest-imprisonment-malicious prosecutions-search-monitorings of telephone, mail, place of residence-etc.; jury trials rights; rights to investigate the crimes by USA-NYS-ringleaders-courts-US attorneys-etc.; rights to 5 USC §552-receiving documents, information; rights to sue US,NYS, etc.; rights to due process and even interpretor when demanded; equal protection by law and

"at last" equal justice for all).

What kind of international criminals can eliminate the plaintiffs-scientists, PRESS, IISC from their own scientific congresses, etc. even opened to the public also!? Who enforces the laws in such a country?!

We have been told that "US-NYS officials (all US-NYS attorneys, US-FBI ringleaders, "courts", mail/phone US ringleaders, etc.) will be acting exactly like TYPICAL FASCIST MAD DOGGIES". Is this absolutely proven in our suits also?!.....!

MARCH 8-1994

Yury Miloslavsky

Tatyana Miloslavsky

Scientists-Physicists

Representatives of the

Scientific International

PRESS-cmte IISC on investigations

of proven, and other international

scientific and other frauds-crimes

Pro se

APPENDIX A

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City and County of New York, on the 24th day of January one thousand nine hundred and ninety-four.

PRESENT: HONORABLE J. EDWARD LUMBARD,
HONORABLE ELLSWORTH VAN GRAAFEILAND,
HONORABLE JOSEPH M. McLAUGHLIN,
Circuit Judges.

YURY MILOSLAVSKY and TATYANA MILOSLAVSKY,	SDNY
	93-cv-1109
Plaintiffs-Appellants,	Stanton
-v.-	

STATE OF NEW YORK and UNITED	93-6185
STATES OF AMERICA,	Filed:
Defendants-Appellees.	1/24/1994

Appeal from the United States District Court for the Southern District of New York (Stanton, J.).

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York and was submitted.

ON CONSIDERATION WHEREOF, it is hereby ordered, adjudged, and decreed that the judgement of the district court be and it hereby is AFFIRMED.

Plaintiffs-appellants Yury and Tatyana Miloslavsky, pro se, appeal from an amended judgment dismissing their complaint against defendants-appellees New York State and the United States. The district court dismissed the complaint, on motion as to New York State and sua sponte as to the United States,

pursuant to Fed. R. Civ. P. 8 and 12(h)(2). In a one-page complaint, plaintiffs alleged unspecified deprivations of civil rights, fraud, malicious prosecution and discrimination. The factual allegations were that "Fed[eral] judge [Robert W.] Sweet, other judges, prosecutors, officials, etc[.] have committed too many obvious serious crimes" against plaintiffs and their family. Miloslavsky v. State of N.Y., No. 93-6185

Plaintiffs' complaint, even when viewed liberally, cannot state a claim against New York State. The Eleventh Amendment bars suit against a state by a private party that would require payment of public funds from the treasury for satisfaction of liability. Edelman v. Jordan, 415 U.S. 651,677(1974). Accordingly, the district court properly dismissed the complaint as to New York State.

The district court dismissed the complaint against the United States sua sponte and sub silentio when it directed the Court of the Clerk to enter an amended judgment dismissing

the complaint "in its entirety." While dismissals under Rule 12(b)(6) are generally made on defendant's motion, the district court may order dismissal on its own motion if the plaintiff is given notice and an opportunity to respond. See Thomas v. Scully, 943 F.2d 259,260 (2d Cir. 1991)(per curiam). Here, plaintiffs were afforded sufficient notice by New York State's motion to dismiss, their response to which was unintelligible.

To the extent the complaint seeks damages against the United States, it is well settled that the United States is immune from suit absent its consent to be sued, and that the terms of its consent to be sued in any court define that court's jurisdiction to entertain the suit. See Lehman v. Nakshian, 453 U.S. 156,160 (1981)(citations omitted). The jurisdictional grounds and statement of the claim against the government must be pleaded with sufficient specificity to "demonstrate that the action is within the waiver of sovereign immunity." 2A Moore's Federal

Practice ¶ 8.17(2), at 8-84 (1993). That requirement has not been met here.

Likewise, to the extent the complaint seeks relief against Judge Sweet personally, it also fails to state a claim. It is beyond dispute that a judge is absolutely immune from civil liability for actions undertaken pursuant to his judicial power and authority. See, e.g., Mireles v. Waco, 112 S. Ct. 286,287 (1991)(per curiam)(judge immune when accused of ordering court officers to use excessive force when escorting attorney into courtroom). The complaint here is a confused, disjointed recitation of alleged wrongs and vituperative charges arising out of plaintiffs' dissatisfaction with Judge Sweet's decision dismissing their prior action. See Miloslavsky v. AES Engineering Soc'y, Inc., 808 F. Supp. 351,356 (S.D.N.Y. 1992), aff'd mem, 993 F.2d 1534 (2d Cir.), cert. denied, 114 S. Ct. 68 (1993). Plaintiffs' vague and unitelligible claims against Judge Sweet do not set forth a claim

upon which relief can be granted. Accordingly the district court properly dismissed the complaint as to the United States.

AFFIRMED.

_____- Circuit Judges

APPENDIX B

United States District Court, S.D.N.Y.

Miloslavsky, Plaintiffs 93 civ 1109

-v.- US, NYS

Memorandum Endorsement

Yury Miloslavsky and Tatyana Miloslavsky v. State of New York, et al., 93 Civ.1109 (LLS).

Upon review of the complaint and other submissions by plaintiffs in this action, it is apparent that the complaint fails to set forth a claim upon which relief can be granted. Accordingly, the motion by defendant State of New York for dismissal is granted, and the Clerk is directed to enter judgment dismissing the complaint. Fed. R. Civ. p. 8,

12(h)(2); Miloslavsky v. AES Engineering Society, Inc., 808 F. Supp. 351 (S.D.N.Y. 1992).

No costs.

So ordered.

Dated: May 5, 1993
New York, New York

Louis L. Stanton
U.S.D.J.(S.D.N.Y.)

APPENDIX C

United States Court of Appeals
for the Second Circuit

Docket Number
#93-6185

Yury Miloslavsky and
Tatyana Miloslavsky,
Plaintiffs-Appellants,

-v.-

State of New York and
United States of America,

Defendants-Appellees.

It is patently obvious that so-called US brief represents next standard paranoiac felonious rubbish counted on similar venal "courts"-"judges"-ringleaders. Such a paranoiac brief is absolutely proofless, tampering, distorting, fabricating, conspiratorial, falsified, anti-constitutional, UNPROFESSIONAL, felonious and extremely unintelligent, too close to genuine idiotic level (you know about the great educational problems of the region).

It is patently obvious that US-NYS-CITY-AES have never given any legal or material written evidences of so-called expulsions or of US brief' fabricated two arrests-two ACD (the plaintiffs have never been expelled from AES; it was only one arrest-one ACD without demanded and feloniously absent interpreter;-learn the "completed" DISCOVERY PROCESS: Ex.M,#4,##59,60,61,62,etc,etc,etc, Ex.O,G,H,etc-of 91civ6042). And it is also

patently obvious that all such paranoiac felonious defendants were and are in the typical fascist, felonious conspiracies.

Moreover, US gov.-Att.Gen.-US pres.-the dist."court"-this "court", have legally, timely GOT our Appeal of Jan.4-1993 and our filed(!) Petition of May 19-1993 in the so-called US supr. court, etc (our lawsuit of Feb.26-1993 has also "contained" such an Appeal; Learn it). Such important international documents have absolutely proved (step by step, fact by fact using direct comparisons, written active laws-rules) how the typical paranoiac felonious state and federal venal "courts"-"judges"-"attorneys" even have fabricated the so-called "facts" directly in "courts", even directly in Washington,D.C.20530(Jun.7-1990,Jun.2-1992, etc), how they have committed the many proven patently obvious violations-crimes (by this s-c app. "court" also), etc.

It is also patently obvious that the

plaintiffs and their son (non-charlatanic scientists-physicists) are still in the conditions of the barbarian deprivations of the fundamental civil rights (learn the filed Petition,etc), etc.

US pres.-US Att.Gen.-US gov.-NYS-"courts" have committed next patently obvious SCANDALOUS crimes when they have not allowed plaintiffs, son to be present on the next many events (of Oct.7-10, etc-1993, etc) opened for public, even any foreigners (see Oct.4-1993 personal warning to such proven criminals. And US pres.-US Att.Gen.,etc(!) now have directly participated in next SCANDALOUS crimes concerning the proven obvious next crimes (TAMPERINGS-CONSEALMENTS, COMPOUNDINGS, OBSTRUCTION of JUSTICE, COERTIONS-CONSPIRACIES, etc, etc): mail-forgeries (by this illegal "court"; learn also the document of Nov.8-1993 for US pres.-Att.Gen. through S.Thomas; re. to M 4 637 619/M 4 637 620), too clever diff. felonious monitorings of mail-tel.-apt.-etc; non-giving

out of even legal, non-falsified docket entries, the other legally demanded records, documents, courts files, of even any jury trial verdicts concerning the fabricated (by NYS) trespass case against Y.Miloslavsky, etc,etc,etc.....

As to the NYS brief, any NORMAL, more or less intelligent person can say that such a brief represents also next standard paranoiac felonious rubbish (like US') of the same idiotic level. Learn our motion of March 17-1993, text-books, etc (all NYS-US retarded revelations-citations of the all absolutely irrelevant cases represent also obvious crimes of TAMPERINGS, OBSTRUCTION of JUSTICE, FALSIFYINGS counted also on the similar venal "judges"-systems-ringleaders).

And our lawsuits are also strictly against the state and fed. "courts"-"attorneys"-ringleaders, etc (of course, against this typical proven fascist illegal "court"-one of the obvious impostors' and criminal defendants which form the general defendant:

US). Of course , it is ridiculous, felonious illegal when the obvious impostors' criminal defendants fabricate, spread paranoiac selfaffirmations-selfverdicts-selfacquittals:"No jurisdiction", "no violations-crimes", "no guilt", etc (in any case our lawsuits are designedly going to the supr. court and further!).Only verdicts (decisions, etc) by only real jury trials can be legal, VALID in such a PATENTLY OBVIOUS case.

As we ordered, all the past and next violations-crimes (by US-NYS, their grovelers' "courts"-"attorneys", ringleaders-etc) are AUTOMATICALLY adding to our lawsuits.

The US Att.Gen., US pres. had to (and must) immediately ANNUL the all "decisions" by all fed "courts" concerning our suits as anti-constitutional, UNPROFESSIONAL, criminal.

Real civilization, real democracy never touched you, dear primitive criminal

charlatans!

Y.,T.Miloslavsky Dated: November 22-1993

Scientists-Physicists

Representatives of the

Scientific International

PRESS-cmte IISC on investigations

of proven international

scientific and other frauds-crimes

APPENDIX D

United States District Court,

S.D.N.Y.

Yury Miloslavsky, 93 civ 1109

Tatyana Miloslavsky,

plaintiffs, (LLS)

-v.-

United States Government and

New York State,

defendants.

Responsive Motion for criminal sanctions for the obviously felonious motion by NYS

There has never been any immunity for any suit in any federal court for NYS under conditions when second or third defendant (party) has been US government especially for the plaintiffs-citizens of NYS and especially under obviously criminal conspiracies between US (governments-officials-organs) and NYS, its ringleaders. And especially under the proven conditions of the total criminality-corruption-venality of all NYS justice systems: of courts, judges, prosecutors, lawyers, ringleaders. See §§1985-1986, etc.

NYS, its obviously felonious ringleaders have feloniously concealed the first defendant - US government in such a criminal

motion of March 9-1993. See again, attached again our correct letter of March 15-1993.

Moreover, we again transferred the fabricated (by NYS) case to the federal court. Criminal NYS ringleaders have feloniously not answered our suit.

Of-course all kinds of complete responsibility for continued NYS, US, hired criminals and AES crimes-violations has rested with all of you (US Attorney Gen., US president, etc) with all that this implies. (see also the compounding crimes by.....)

I declare under penalty of perjury that the foregoing is true and correct.

Plaintiffs

Yury Miloslavsky, Tatyana Miloslavsky -Pro Se

Dated: March 17-1993

P.S. See also the next falsifications of the courts processes by NYS-City of April 2-1993.